

Introduced by Senator Florez

December 4, 2006

An act to add Section 1202.8 to the Public Utilities Code, relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 16, as introduced, Florez. Railroads: rail crossings.

Existing law establishes the consumer protection and safety division of the Public Utilities Commission. The consumer protection and safety division is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail. Existing law grants the commission exclusive power to determine and prescribe the manner and terms of installation, operation, maintenance, use, and protection of each crossing of a public or publicly used road, highway, or street by a railroad.

This bill would require the commission to order that a public-rail grade crossing be equipped with automatic gates, if the commission determines in the course of investigating a public-rail grade crossing collision, that it is more likely than not that the collision would not have occurred if the crossing had been equipped with automatic gates, or if the commission determines that the injury to person or property resulting from the collision would have been substantially reduced if the crossing had been equipped with automatic gates.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1202.8 is added to the Public Utilities
2 Code, to read:
3 1202.8. If the commission, in investigating a public-rail grade
4 crossing collision, determines that it is more likely than not that
5 the collision would not have occurred if the crossing had been
6 equipped with automatic gates, or the commission determines that
7 the injury to person or property would have been substantially
8 reduced if the crossing had been equipped with automatic gates,
9 the commission shall order that the public-rail grade crossing be
10 equipped with automatic gates.